IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 28809 of 2007(D)

PETITIONER:

K.V.KARUNAKARAN,
DELEGATE VAIKOM TALUK SC/ST LABOUR CONTRACT
CO-OPERATIVE SOCIETY LTD NO.751, VAIKOM.
KOVAITHARA HOUSE, VADAYAR P.O.,
THALAYOLAPARAMBU, PIN 686 605.

BY ADV. SRI.P.P.JACOB

RESPONDENTS:

---

1. STATE CO-OPERATIVE ELECTION COMMISSION,
THIRUVANANTHAPURAM, REP.BY SECRETARY.

2. THE RETURNING OFFICER/
ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES(G),
THIRUVANANTHAPURAM.

3. KERALA STATE FEDERATION OF SC/ST
DEVELOPMENT CO-OPERATIVE LTD NO.4351,
PEROORKADA, THIRUVANANTHAPURAM, REP.BY ITS
MANAGING DIRECTOR.

BY ADV. SRI.T.A.SHAJI FOR R3
SMT.T.V.NEEMA
SPL. GOVERNMENT PLEADER A.G. ANEETHA FOR R1 AND R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/11/2007, ALONG WITH WPC NO. 23532 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J

W.P.(C).Nos. 28809/2007 & 23532/2007

Dated this the 12th day of November, 2007

JUDGMENT

These writ petitions are filed in relation to an election to the Co-operative Society. The petitioners had also participated in the election. Even if the question of reservation under Section 28A of the KCS Act in terms of election notification is in dispute, the petitioners had adequate alternate remedy by way of procedure under the Act for resolution of the election dispute. Under such circumstances, these writ petitions are dismissed without prejudice to the right of the petitioners to take recourse to such proceedings.

The interim orders are vacated and declaration of the results of the election will however, be subject to the final orders in any election petition that the petitioners may file.

THOTTATHIL B. RADHAKRISHNAN
Judge

mrcs